



Miami-Dade Legislative Item File Number: 121475

File Number: 121475	File Type: Resolution	Status: Adopted
Version: 0	Reference: R-656-12	Control: Board of County Commissioners
File Name: CHARTER AMENDMENT ADDITIONAL AUTHORITY CITIZENS BILL RIGHTS		Introduced: 7/13/2012
Requester: NONE	Cost:	Final Action: 8/23/2012
Agenda Date: 8/23/2012		Agenda Item Number: 10A4ALTERNATE

Notes: CHARTER AMENDMENT

Title: RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, TO BE HELD IN CONJUNCTION WITH A GENERAL ELECTION ON TUESDAY, NOVEMBER 6, 2012, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS THE QUESTION OF WHETHER TO AMEND THE CHARTER TO GRANT ADDITIONAL AUTHORITY FOR THE COMMISSION ON ETHICS TO ENFORCE THE CITIZENS' BILL OF RIGHTS (SEE ORIGINAL ITEM UNDER FILE NO. 121391)

Indexes: CHARTER AMENDMENT

Sponsors: Sally A. Heyman ,Prime Sponsor

Sunset Provision: No

Effective Date:

Expiration Date:

Registered Lobbyist: None Listed

LEGISLATIVE HISTORY

Acting Body	Date	Agenda Item	Action	Sent To	Due Date	Returned	Pass/Fail
Board of County Commissioners	8/23/2012	10A4 ALTERNATE	Adopted				P
Board of County Commissioners	7/17/2012	10A4 ALTERNATE	Deferred		8/23/2012		P
Office of the Chairperson	7/16/2012		Additions				
County Attorney	7/13/2012		Assigned	Oren Rosenthal			

LEGISLATIVE TEXT

TITLE

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, TO BE HELD IN CONJUNCTION WITH A GENERAL ELECTION ON TUESDAY, NOVEMBER 6, 2012, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS THE QUESTION OF WHETHER TO AMEND THE CHARTER TO GRANT ADDITIONAL AUTHORITY FOR THE COMMISSION ON ETHICS TO ENFORCE THE CITIZENS' BILL OF RIGHTS

BODY

WHEREAS, The Board of County Commissioners pursuant to Section 9.07 of the Miami-Dade County Home Rule Charter desires to place the attached Charter amendment before the electors of Miami-Dade County on the November 6, 2012 General Election ballot,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. A countywide special election is hereby called and shall be held in Miami-Dade County, Florida in conjunction with a General Election on Tuesday, November 6, 2012, for the purpose of submitting to the qualified electors of Miami-Dade County the proposal for amendment to the Home Rule Charter in the form attached hereto and made a part hereof.

Section 2. Notice of such election shall be published in accordance with Section 100.342, Florida Statutes.

Section 3. The result of such election shall be determined by a majority of the qualified electors of Miami-Dade County voting upon the proposal. The polls at such election shall be open from 7:00 a.m. until 7:00 p.m. on the day of such election. All qualified electors of Miami-Dade County, Florida shall be entitled to vote at said election. The County registration books shall remain open at the Office of the Miami-Dade County Supervisor of Elections until twenty-nine (29) days prior to the date of such election, at which time the registration books will close in accordance with the provisions of general election laws. The question shall appear on the ballot in substantially the following form:

CHARTER AMENDMENT REGARDING PENALTIES AND ENFORCEMENT OF CITIZENS' BILL OF RIGHTS

SHALL THE CHARTER BE AMENDED TO ELIMINATE THE PROVISION PROVIDING FOR FORFEITURE OF OFFICE IF A PUBLIC OFFICIAL OR EMPLOYEE WILLFULLY VIOLATES THE CITIZENS' BILL OF RIGHTS AND ALLOW, IN ADDITION TO SUIT IN CIRCUIT COURT, THE COMMISSION ON ETHICS AND PUBLIC TRUST TO ENFORCE THE CITIZENS' BILL OF RIGHTS WITH PENALTIES AUTHORIZED BY THE CODE?

YES

NO

Section 4. The form of the ballot shall be in accordance with the requirements of general election laws.

Section 5. Early voting shall be conducted in accordance with the requirements of general election laws.

Section 6. Absentee paper ballots may be used by qualified electors of Miami-Dade County for voting on this question. The form of such absentee ballot shall be in accordance with the requirements prescribed by general election laws.

Section 7. A sample ballot showing the manner in which the question or proposal aforesaid will appear at this election shall be published and provided in accordance with the applicable provisions of general election laws.

Section 8. This special election on the proposal aforesaid shall be held and conducted in accordance with applicable provisions of the general laws relating to elections and the provisions of the Miami-Dade County Home Rule Charter. The County Mayor or his or her designee, the Finance Director, and the Clerk of the County Commission are hereby authorized and directed to take all appropriate actions necessary to carry into effect and accomplish the provisions of this resolution. This election shall be a nonpartisan election. Election officials in connection with this election shall be appointed in accordance with the provisions of general election laws.

Section 9. This election shall be canvassed by the County Canvassing Board, in accordance with the provisions of Section 3.07 of the Home Rule Charter.

OTHER

MIAMI-DADE COUNTY HOME RULE CHARTER

CITIZENS' BILL OF RIGHTS¹

* * *

(C). Remedies for Violations. [[In any suit by a]]>>A<< citizen >>may bring a cause of action<< alleging a violation of this Article filed in the Dade County Circuit Court pursuant to its general equity jurisdiction[[, the plaintiff,]] >>and<< if successful, shall be entitled to recover costs as fixed by the Court. >>The Commission on Ethics and Public Trust may also enforce the provisions of this Article and may impose any penalty authorized by County Code not otherwise prohibited by a collective bargaining agreement, for a violation of this Article. Any penalty imposed by the Commission on Ethics and Public Trust pursuant to this subsection may be enforced in the Miami-Dade County Circuit Court.<< [[Any public official or employee who is found by the Court to have willfully violated this Article shall forthwith forfeit his office or employment.]]

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ARTICLE VII

PARKS, AQUATIC PRESERVES AND PRESERVATION LANDS

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SECTION 7.03. - ENFORCEMENT AND CONSTRUCTION.

All elections required by this Article shall be held either in conjunction with state primary or general elections or as part of bond issue elections. The provisions of this Article may be enforced [[in the same manner as provided in Section (C) of the Citizens' Bill of Rights of this Charter]]>> by a citizen alleging a violation of this Article filed in the Dade County Circuit Court pursuant to its general equity jurisdiction, the plaintiff, if successful, shall be entitled to recover costs as fixed by the Court.<<. The provisions of this Article shall be liberally construed in favor of the preservation of all park lands, aquatic preserves, and preservation lands. If any provision of this Article shall be declared invalid it shall not affect the validity of the remaining provisions of this Article. This Article shall not be construed to illegally impair any previously existing valid written contractual commitments or bids or bonded indebtedness.

¹Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

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